

Proposed Draft Agenda
Cheyenne and Arapaho Tribes of Oklahoma/EPA Region 8 Consultation Meeting
Proposed Dewey-Burdock Uranium In-Situ Recovery Site
Wednesday September 11, 2019
1:00-3:00pm
100 Red Moon Circle, Concho, OK 73669

I. Introductions

a. Present at the meeting are:

1. William Tall Bear, Compliance Officer for Governor Wassana
2. Max Bear THPO
3. Casey Peyton, Assistant Director, Environmental Department
4. Antonio Church, Deputy General Counsel

II. Additions/changes to the agenda from Cheyenne and Arapaho Tribes

Governor Wassana wasn't able to attend. The Tribes may not consider this meeting to be formal consultation. They will probably schedule additional meetings with us in the future. Mr. Church, Deputy General Counsel, says the Tribal Constitution does not allow someone else to stand in for Governor Wassana in this instance.

III. The EPA's proposed action at the Dewey-Burdock uranium in-situ recovery site

1. The Underground Injection Control (UIC) regulatory mission and UIC permitting process

Casey Peyton: Why is the EPA "promoting" this action? Kim and Darcy explained the EPA permitting process. Just because we issue draft permits doesn't mean we are promoting the project. It just means we believe the proposed permits requirements allow the project to be carried out in a manner protective of underground sources of drinking water. The purpose of the draft permits is to get input from Tribes and the public about whether the permit requirements are protective of USDWs. Are there ways to make the permit better. We have regulations that govern how we propose draft permit and get public comments. This process includes opportunity for public hearing. The EPA is just explaining the proposed project, the permit requirements and the other documents the EPA develops along with the permits.

2. A Class III Draft Area Permit for injection of leachant for uranium recovery.

3. A Class V Draft Area Permit for disposal of treated ISR waste fluids into deep injection wells.

Antonio Church: What are the ages of the wells Chuck looked at to evaluate the lower confining zone?

4. Proposed Exemption of uranium ore-bearing aquifers to allow injection of leachant

IV. Tribal Consultation

a. Treaty Rights: Max Bear says Yes treaties exist in the area. Antonio will review this also.

- b. Section 106 National Historic Preservation Act: Concern over lack of more extensive cultural survey.

- V. Environmental Justice Analysis: They would like a copy of the EJ Analysis.
- VI. Cheyenne and Arapaho Tribes perspective on 2013 Tribal Cultural Survey? Not adequate. More work should be done to identify sites properly, identify adverse effects, and discuss and agree upon mitigation measures. A federal agency can't do that without tribal input.
- VII. Tribal Concerns: Primary concerns: preserve C&A historic and cultural sites in the area and the natural resources.
- VIII. Next Steps:

Communication through William Tall Bear, Max Bear and Damon Dunbar

Email info:

1. EJ Analysis
2. Draft Permits
3. Website to Docket
4. Info about the public hearing
5. Ask Chuck the age of the wells he reviewed to evaluate the lower confining zone.